

PROCESS VERBAL – Contract type-Goods

**ON THE ARGUMENTATION AND APPROVAL OF TECHNICAL SPECIFICATIONS
AND QUALIFICATION CRITERIA**

(These minutes are for publication purposes together with the tender documents)

Procurement object: “ Solar Panel Installation” .

Relevant code in the Common Procurement Vocabulary (CPV): Solar panels , 09331000-8.

Limit fund value: 24,889,241.51 (twenty-four million eight hundred eighty-nine thousand two hundred forty-one point fifty-one) **lek excluding VAT. This value is converted to 251,940.89 Euros. The official exchange rate according to the Bank of Albania on 23/04/2025 is 98.79 ALL/EUR.**

Duration of the contract/framework agreement or deadline for its implementation: 36 Months,

Framework Agreement with a term of 36 months, with an economic operator where all conditions are defined .

Based on Article 21, point 2, of Law No. 162/2020 “On Public Procurement”, Article 2, point 2/c and Article 78, point 2, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of the public procurement rules” , the contracting authority/entity **Centralized Purchasing Operator sh.a.** has drafted the minutes for the argumentation of the qualification criteria for the above-mentioned procedure.

SPECIAL QUALIFICATION CRITERIA

1. The candidate/bidder must submit:

a. *Summary Self-Declaration Form, according to Annex 9 ;*

b. *Bid Security, according to Annex 4;*

Argument : The above request for securing the bid is based on Law No. 162/2020 “On Public Procurement” (as amended), Article 83, point 1, as well as on Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules” (as amended), Chapter V, Section II, Article 30, point 1.

The request for the Summary Self-Declaration Form is based on Law No. 162/2020 “On Public Procurement” (as amended), Article 82 as well as on DCM No. 285, dated 19.05.2021 “On the approval of public procurement rules” (as amended), Chapter V, Section II, Article 26.

2. The candidate/bidder must submit:

2.1. Suitability to carry out the professional activity (if applicable):

According to Appendix 8 of the DST

Argument : The above request is based on Article 77, point 1/a and point 2, of Law No. 162/2020 “On Public Procurement” (as amended); as well as Chapter V, Section III, Article 39, point 6, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules” (changed).

2.2 Economic and financial capacity:

2.2.1 To prove a positive sustainable activity, the economic operator must submit certified copies of the balance sheets of the last 3 (three) financial years (2022, 2023, 2024) submitted to the relevant Tax Authorities, confirmed by this Authority and accompanied by the Expertise Act of the Authorized Accounting Expert. (*This requirement will be considered fulfilled if in the two consecutive balance sheets requested, there is no negative ratio between assets and liabilities*).

Note: The Expertise Act of the Authorized Accounting Expert must be submitted by the EO only in the case when they are in the conditions of the definitions of article 41, letter "c" of Law no. 10091, dated 05.03.2009 "On legal audit, organization of the profession of registered accounting expert and approved accountant", as amended, which provides that: "Legal entities that are obliged to carry out the legal audit of financial statements are obliged to carry out the legal audit of the annual financial statements, before their publication, by an accounting expert or auditing company: "c) limited liability companies, which apply national accounting standards for financial reporting, when, at the close of the accounting period, for two consecutive years, they exceed two of the following three indicators: i) the total assets of the balance sheet, at the close of the relevant accounting period, reaches or exceeds the amount of 50 million lek; ii) the amount of income from economic activity (turnover) in that accounting period reaches or exceeds the amount of 100 million lek; iii) there are, on average, 30 employees during the accounting period.

Argument: The above request is based on Article 77, point 3, of Law No. 162/2020 “On Public Procurement” (as amended); as well as Chapter V, Section III, Article 43, point 4, of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules (as amended)”. The determination of the years required for the presentation of balance sheets was made by referring to the legislation in the field, specifically, Law No. 10091 dated 05.03.2009 “On statutory audit, organization of the profession of registered accounting expert and approved accountant” (as amended).

2.2.2 Copies of the annual turnover declaration for the last 3 (three) financial years (2022, 2023, 2024) issued by the relevant Authority, where the turnover value for at least one of the years of the required period must be no less than the estimated value of the contract. (This requirement will be considered fulfilled if the Economic Operator reaches the minimum turnover value in at least one year of the period required by the Contracting Authority).

Argument: The above request is based on Article 77, point 3, of Law No. 162/2020 “On Public Procurement” (as amended) as well as in Chapter V, Section III, Article 43, point 2/a and point 3

of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of public procurement rules” (as amended). The requirements listed according to Economic and Financial Capacity (point 1 and point 2) serve the Contracting Authority to prove whether the Bidders possess the financial capacity to successfully fulfill the contract subject to procurement.

2.3 Technical capacity:

- 2.3.1 Evidence by operator -economic for supply the previous the pages in a value vessel no the most less than 40% of the estimated contract value and which has been carried out during the last three years, from the date of publication of the contract notice.
- like evidence about the experience of previous, wanted affirmations the released by a organ public for the successful completion of the contract, where the value, contract completion date and tax invoice should be noted of sale, completed according to the requirements of the legislation in force, where the dates, amounts and quantities of goods supplied should be noted.
 - in case of experience of the previous the completed with sector the private, how evidence accepted only the bill tax the sales, the complementing according to requests the legislation in power, and declared in bodies tax, where marks dates, amounts and quantities of items the supplied.

Argument : The above request is determined based on Article 77, point 4, of Law No. 162, dated 23.12.2020 “On Public Procurement” and Article 40, point 4 of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”. Since this procurement procedure will conclude with a supply contract to demonstrate previous experience, the total value requested must be no greater than 40% of the estimated value of the contract, which is being procured and which has been carried out during the last three years, from the date of publication of the contract notice.

2.3.2 Professional license, related to the execution of contract works:

The economic operator must present **the company's professional license** , issued by the responsible institution mandated by law, valid at the time of the procedure, which includes at least the following **categories** :

For general construction works:

- **NP –10A** Construction of plants for the production of electricity.

Foreign operators must make the equivalence of the professional licenses they have issued by the country of origin, at the Ministry of Infrastructure and Energy, (or the competent Ministry at the time) of the Republic of Albania. (Regulation on the criteria and procedures for granting professional licenses for the implementation, classification and discipline of legal entities that exercise construction activities, approved by the Council of Ministers, No. 42, date 16.01.2008). Failure to appear IN this shape IS condition disqualifying .

Argument : The required categories are requested based on the supply to be made according to the procurement object. The economic operator that will make the supply must possess a professional license with the above-mentioned points.

This requirement is determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement” (as amended), Article 41, point 4, letter “a” of the Council of Ministers No. 285, dated 19.05.2021 “ On the Approval of Public Procurement Rules” (as amended), as well as the Decision of the Council of Ministers No. 759 dated 28. 12.2016 (as amended) .

2.3.3 A minimum employment of **10 (ten)** employees, who must appear on the company's payroll for at least the last 3 months declared from the date of opening of bids, certified by:

- a. Certificate issued by the Tax Administration for a minimum of the last 3 months declared from the date of opening of bids .
- b. Employee pay slips confirmed by the relevant authorities according to the format required by the legislation in force, for at least the last 3 declared months .

Justification: These staff requirements are determined based on Article 77 of Law No. 162, dated 23.12.2020 “On Public Procurement”, Article 41, point 4, letter “c” of Council of Ministers No. 285, dated 19.05.2021 “On the Approval of Public Procurement Rules”. The establishment of this criterion for the workforce was made in accordance with the successful implementation of the supply for the facility.

2.3.4 Participating economic operators must have employed engineering staff for the execution of the procurement object, included in the company's license, certified by a valid employment contract, CV, diploma and appear on the company's payroll for at least the last 3 months declared from the date of opening the bids, specifically:

1 (one) Engineer electrical

Justification : According to Law No. 162/2020 “On Public Procurement” as amended , Article 77 Qualification requirements, point 4 With regard to technical and professional abilities, contracting authorities or entities may impose requirements that guarantee that economic operators possess the necessary human and technical resources, as well as the experience necessary to perform the contract to an appropriate quality standard. Contracting authorities or entities, in particular, may require that economic operators have a sufficient level of experience proven by appropriate references from contracts implemented in the past. The professional ability of economic operators to provide the service, work, goods is assessed in relation to organizational skills, reputation and reliability, appropriate experience, as well as the personnel necessary to perform the contract, as described by the contracting authority or entity in the notice of the subject of the contract.

2.3.5 The economic operator must have employed technical staff to carry out the works, certified by a valid work contract and appearing on the company's payroll for the last 3 months declared from the date of opening the bids, as follows:

TECHNICAL STAFF	Number
Erector	2
Specialists about fixture the panels solar	3
Driver	1

2.3.5/1 For driver employees, the bidder must submit:

- a) individual employment contract;
- b) driving license,

(In the case where driver employees are contracted with an employment contract (respectively for rented vehicles), they are not required to appear on the company's payroll).

Justification : According to Law No. 162/2020 “On Public Procurement” as amended , Article 77 Qualification requirements, point 4 With regard to technical and professional abilities, contracting authorities or entities may impose requirements that guarantee that economic operators possess the necessary human and technical resources, as well as the experience necessary to perform the contract to an appropriate quality standard. Contracting authorities or entities, in particular, may require that economic operators have a sufficient level of experience proven by appropriate references from contracts implemented in the past. The professional ability of economic operators to provide the service, work, goods is assessed in relation to organizational skills, reputation and reliability, appropriate experience, as well as the personnel necessary to perform the contract, as described by the contracting authority or entity in the notice of the subject of the contract.

2.3.6 The economic operator(s) must have on their staff 1 (one) employee with a certificate "Responsible for safety and health protection at work" in accordance with the clauses of Law No. 10327 dated 18/02/2010 "On safety and health at work" and VKM No. 312, dated 05.05.2010 "On the approval of the regulation "On safety at the construction site".

To prove compliance with this criterion, economic operators must submit:

- Diploma/certificate
- Valid Employment Contract

Argument: The CA argues that the request for *the Responsible for Occupational Safety and Health Protection* is established in accordance with the provisions of Law No. 162, dated 23.12.2020 “On Public Procurement”, Article 77, point 4; of the Council of Ministers No. 285 dated 19.05.2021 “On the approval of public procurement rules” (as amended), Chapter V, Section III, Article 39, point 6, letter “c”, as well as in support of Article 7 of Law No. 10237, dated 18.02.2010, “ *On Occupational Safety and Health*“, according to which: “*The employer assigns one or more employees to deal with issues of occupational safety, health and safety.....* “.

We emphasize that the Contracting Authority aims to carry out the contract subject to procurement according to the conditions set out in the DST, respecting every rule related to the construction

site as well as the safety of employees during the exercise of work activity. It is important that the works are carried out within a safe site, protecting the lives of employees, but also of passers-by who may be around the work site. In the above, the employee who is certified as "*Responsible for safety and health protection at work*", through the knowledge and experience gained in this field, must avoid or prevent any risk that may arise during the company's activity and that may affect health or safety at work. Under these conditions, the establishment of this criterion serves as a guarantee that the Bidders will carry out the works according to the legal standards in force.

2.3.7 The economic operator must present an authorization from the manufacturer, or an agreement

cooperation with the manufacturer, or distributor authorization for the equipment subject to procurement accompanied by a CE certificate/declaration of conformity, catalog(s) or fragments of catalog(s) or technical sheets of the manufacturer(s), where its technical specifications are clearly distinguished. In the case of distributor authorization, the agreement between the authorized distributor and the manufacturer must also be submitted. Each of the documents submitted must contain complete manufacturer data such as: telephone, fax, e-mail, website in case of verification by the contracting authority.

No.	Naming of equipment/materials	Model	Manufacturing company, Web, E-mail, Contact number
1	Photovoltaic modules 540Wp		
2	Inverter		
3	Verification Meter		

Argument : The above requirement is determined based on Law No. 162/2020, Article 73 dated 23.12.2020 "On Public Procurement", Council of Ministers No. 285, dated 19.05.2021 "On the Approval of Public Procurement Rules", as amended.

The Procurement Unit considers that the criterion determined by the contracting authority on the presentation of the Manufacturer's Authorization or by the Manufacturer's Authorized Distributor is proportionate and closely related to the subject matter of the contract and in accordance with the aforementioned legal provisions.

The contracting authority, being the direct beneficiary of the contract subject to procurement, is in its right to guarantee that participating economic operators prove the authenticity of the goods supplied, and may therefore require bidders to submit documentation regarding the origin of goods issued directly by the manufacturer.

So, by establishing the above-mentioned criteria, the CA is guaranteed and gains certainty that the contracting economic operator will supply and successfully fulfill the contract.

2.3.8 The economic operator must submit the following certificates:

- a) The certificate of quality of works SSH EN UNI **ISO 9001-2015 updated** (valid)/or/equivalent. The certificate must be issued by a conformity assessment body,

accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

- b) Certificate for the Environmental Management System SSH EN UNI **ISO 14001:2015 updated** (valid). /or/ equivalent. The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.
- c) SSH EN UNI **ISO certificate 45001:2018** updated , (SSH EN UNI **ISO 45001 – 2023**) valid/or equivalent (On Occupational Health and Safety Management Systems or equivalent). The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.
- d) SSH EN UNI **ISO certificate 50001:2018 , updated** , valid/or equivalent (Energy Management System valid or equivalent). The certificate must be issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania.

Note: In cases of a Union of Economic Operators, each member of the group must submit the above certificate based on the items undertaken to be carried out according to the cooperation agreement.

Argument: Quality requirements specified in point 2.3.6 letters “a”- “d” are set in support of Law No. 162/2020 “On Public Procurement” (as amended), Article 79, point 1 which states that: “ *The contracting authority or entity, in order to certify that the works, goods or services, subject to procurement, meet the quality requirements, may request bidders to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania*” , as well as in accordance with Article 44, point 1 and point 3 of the Council of Ministers No. 285, dated 19.05.2021 "On the approval of public procurement rules", where it is determined that: " *The contracting authority/entity, in order to prove that the works, goods or services, subject to procurement, meet the quality requirements, may require tenderers to submit certificates issued by a conformity assessment body, accredited by the national accreditation body or international accreditation bodies, recognized by the Republic of Albania, only if they are substantiated and closely and directly related to the subject of procurement ."*

ISO 9001:2015 is a series of international norms and standards that refer to quality management systems, that is, to the organizational structures of public and private enterprises, structures that these enterprises must adopt for a better orientation of the enterprise to market standards. The CA considers that each Bidder must be equipped with ISO 9001:2015 with the aim of effectiveness and efficiency in the development of its activity, which will also lead to cost reduction. Therefore, this certification will enable Bidders to offer good quality at low prices.

ISO 14001:2015 provides a practical framework for companies that want to manage existing and potential environmental risks. This system is easily integrated into the business management structure to control the impacts that activities, operations, products and services have on the environment. The CA considers that each Bidder should be equipped with ISO 14001:2015 in order for the activity carried out by it (in this case the implementation of the procurement object) to identify the environmental impact of the project and to improve environmental performance by

implementing a systematic approach. Therefore, this certification will enable bidders to carry out their activity taking into account the principle of environmental protection.

ISO 45001-2018 is an international standard, which sets out the requirements for managing good occupational health and safety practices for any organization, regardless of size. The CA considers that each bidder must be equipped with ISO 45001-2018 in order for the activity carried out by it (in this case, the implementation subject to procurement) to be carried out based on the principle of occupational health and safety. This requirement also serves as an extra guarantee that will reduce accidents and illnesses in the workplace by minimizing costs and time in successfully fulfilling the work contract subject to procurement.

ISO 50001-2018 is a new standard designed to assist companies in implementing an appropriate management system for identifying and minimizing energy consumption. The CA considers that each Bidder must be equipped with ISO 50001:2018 in order for the activity carried out (in this case the realization of the procurement object), to reduce the energy costs of the companies, for the establishment, implementation, maintenance and improvement of an energy management system, the purpose of which is to enable an organization to follow a systematic approach to achieving continuous improvement of energy performance, including energy efficiency, energy use and consumption and other impacts on the environment.

2.3.9 Evidence of the technical means and equipment available or that can be made available to the economic operator, which are needed for the execution of the contract, specifically:

No.	Vehicle name	units	Quantity/piece	StatUS
1	Truck with Crane	PIECES	1	Owned or rented
2	Truck	PIECES	1	Owned or rented

To meet this criterion, economic operators must self-declare the means and equipment they have in the summary self-declaration form No. 8 of the DST.

- a. For owned vehicles, the following must be presented: a) registration certificate; b) technical inspection certificate (valid); c) vehicle insurance (valid);
- b. For vehicles declared as leased, the following must be submitted: a) the relevant lease contract
Lease/loan which must be valid for the entire period of the contract, subject of this procurement b) registration certificate; c) technical inspection certificate (valid) d) vehicle insurance (valid);

For technical equipment owned by the economic operator, the sales contract/tax invoice and the document with the technical data of the equipment must be presented, while when rented, the rental contract, tax invoice/sales contract and the document with the technical data of the equipment must be presented. In the case where the invoice is issued by entities that are not registered as VAT taxpayers, it must be accompanied by the tax coupon.

Justification: The above request is made in accordance with point 4, Article 77, of Law No. 162, dated 23.12.2020 “On Public Procurement”, as amended, as well as Chapter V, Section III, Article 39, point 6, letter “d” of the Council of Ministers No. 285, dated 19.05.2021 “On the approval of

public procurement rules”, as amended. Through these requests, economic operators must prove that they have the technical means and equipment necessary for the execution of the procurement object, which they have at their disposal or which can be made available to them in order to successfully fulfill the contract subject to procurement.

All documents must be originals or notarized copies. Failure to submit a document, or documents with false or inaccurate data, are considered conditions for disqualification.

Procurement Unit: